

United States District Court

DISTRICT OF

PAUL J. McNALLY, as he is TRUSTEE, MASSACHUSETTS LABORERS' HEALTH AND WELFARE FUND and NEW ENGLAND LABORERS' TRAINING TRUST FUND; JAMES MERLONI, JR., as he is TRUSTEE, MASSACHUSETTS LABORERS' PENSION FUND and MASSACHUSETTS LEGAL SERVICES FUND; MARTIN F. WALSH, as he is TRUSTEE, MASSACHUSETTS LABORERS' ANNUITY FUND,

Plaintiffs

V.

J. Michael Landscaping, Inc.,

Defendant

and

Barletta Engineering Corporation; Modern

Continental Construction Co., Inc.; and

Peabody Construction Company, Inc.,

Reach-and-Apply Defendants

TO: (Name and address of defendant)

Peabody Construction Company, Inc.

536 Granite Street

Braintree, MA 02184

SUMMONS IN A CIVIL CASE

CASE NUMBER: 05-11624 RWZ

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Gregory A. Geiman, Esquire

Segal, Roitman & Coleman

11 Beacon Street

Suite #500

Boston, MA 02108

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

DATE

DEC - 7 2005

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action (Reverse)

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹

DATE

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server



Norfolk County Sheriff's Department P.O. Box 859215 Braintree, MA 02185-9215 / Tel. # (781) 326-1787

Norfolk, ss.

Thereby certify and return that on 12/30/2005 at 9:10AM I served a true and attested copy of the summons and amended complaint, exhibits in this action in the following manner: To wit, by delivering in hand to , , person in charge at the time of service for Peabody Construction Company, Inc., at 536 Granite Street, Braintree, MA 02184. Basic Service Fee (\$30.00), Copies-Attestation (\$5.00), Conveyance (\$1.50), Postage and Handling (\$1.00), Travel (\$7.68) Total Charges \$45.18

Deputy Sheriff William M Blake

A handwritten signature in black ink, appearing to read "William M Blake".

Deputy Sheriff